

DOCKET NO. : 64.US2.PCT

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In Re Application of:** Beverly W. Throop, Charles A. Gilson III, Shelley Aytes, Scott A. Estrada, Dipanjan Sengupta, Brian Smith, Max Rey, Ulrich Weigl

**For:** PROCESSES FOR PREPARING 3-BENZAZEPINES

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for the following type of application:

*(check one applicable item below)*

- |                                               |                                                                |
|-----------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> Original             | <input type="checkbox"/> Divisional                            |
| <input type="checkbox"/> Continuation         | <input checked="" type="checkbox"/> U.S. National Stage of PCT |
| <input type="checkbox"/> Continuation-in-Part |                                                                |

My residence, post office address and citizenship are as stated below next to my name; and I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a

- |                                                    |                                        |
|----------------------------------------------------|----------------------------------------|
| <input checked="" type="checkbox"/> Utility Patent | <input type="checkbox"/> Design Patent |
|----------------------------------------------------|----------------------------------------|

is sought on the invention, whose title appears above, the specification of which:

- |                                     |                                                                                                                             |
|-------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | is attached hereto                                                                                                          |
| <input type="checkbox"/>            | was filed on _____, as U.S. Serial Number _____.                                                                            |
|                                     | _____ and was amended on _____ <i>(if applicable)</i>                                                                       |
| <input type="checkbox"/>            | was described and claimed in PCT International Application Number <u>PCT/US2004/019274</u> , filed on <u>16 June 2004</u> . |

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to the patentability of this application in accordance with 37 CFR § 1.56.

**DISCLOSURE AND/OR CLAIM FOR PRIORITY UNDER  
35 U.S.C. §§ 119(a)-(d) OF FOREIGN APPLICATIONS  
FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN)  
OF THIS APPLICATION**

I hereby claim foreign priority benefits under Title 35, United States Code §§ 119(a)-(d) of any foreign applications for patent, inventor's certificate or PCT international application designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent, inventor's certificate or any PCT international application designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)	Priority Claimed Under 35 USC 119a-e
PCT	PCT/US04/019279	16 June 2004	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

**DISCLOSURE OF FOREIGN APPLICATION(S) IF ANY,  
FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN)  
PRIOR TO THE FILING OF THIS APPLICATION**

Country (or indicate if PCT)	Application Number	Date of Filing (day, month, year)

**CLAIM FOR PRIORITY OF UNITED STATES APPLICATIONS  
OR PCT APPLICATIONS FILED  
IN THE UNITED STATES RECEIVING OFFICE  
UNDER 35 U.S.C. §120**

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<b>Application No.</b>	<b>Date Filed</b>	<b>Status Patented/Pending/Abandoned</b>

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)  
UNDER 35 U.S.C. § 119(e)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

<b>Provisional Application Number</b>	<b>Filing Date</b>

**POWER OF ATTORNEY**

I hereby appoint all the practitioners associated with Customer Number 35133 (which is the Customer Number assigned to Cozen O'Connor to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected therewith. Each practitioner associated with Customer Number 35133 is an attorney registered before the United States Patent and Trademark Office.

**Address all correspondence and maintenance fee correspondence to the address identified in Customer No. 35133 which is assigned to Cozen O'Connor, 1900 Market Street, Philadelphia, PA 19103.**

**Direct all telephone calls to: Christine A. Goddard**

**Cozen O'Connor  
1900 Market Street  
Philadelphia, PA 19103  
Telephone No.: (215) 665-2000  
Facsimile No.: (215) 665-2013**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of second joint inventor**

**Beverly**  
(Given Name)

W.  
(Middle Initial or Name)

**Throop**  
*Family (or last name)*

**City/State of Actual Residence:** San Deigo, California

**Mailing Address:** 12761 Jordan Ridge Court, San Diego, California 92130

Country of Citizenship: United States of America

**Inventor's signature:** \_\_\_\_\_

Date: \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sole or second joint inventor**

**Charles**  
(Given Name)

A.  
(Middle Initial or Name)

**Gilson, III**  
*Family (or last name)*

**City/State of Actual Residence:** San Diego, California

**Mailing Address:** 7176 Salizar Street, San Diego, California 92111

Country of Citizenship: United States of America

**Inventor's signature:**

Date: \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of third joint inventor**Shelley*(Given Name)*Aytes*(Middle Initial or Name)*Aytes*Family (or last name)***City/State of Actual Residence:** San Diego, California**Mailing Address:** 4518 Patria Drive, San Diego, California 92115**Country of Citizenship:** United States of America**Inventor's signature:** \_\_\_\_\_**Date:** \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of fourth joint inventor**Scott*(Given Name)*A.*(Middle Initial or Name)*Estrada*Family (or last name)***City/State of Actual Residence:** La Jolla, California**Mailing Address:** 415 Colima Street, No. 15, La Jolla, California 92037**Country of Citizenship:** United States of America**Inventor's signature:** \_\_\_\_\_**Date:** \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of fifth joint inventor**Dipanjn*(Given Name)*  
*(Middle Initial or Name)*Sengupta*Family (or last name)***City/State of Actual Residence:** San Diego, California**Mailing Address:** 9121 Togan Avenue, San Diego, California 92129**Country of Citizenship:** India**Inventor's signature:** \_\_\_\_\_**Date:** \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of sixth joint inventor**Brian*(Given Name)*  
*(Middle Initial or Name)*Smith*Family (or last name)***City/State of Actual Residence:** San Diego, California**Mailing Address:** 13182 Mesa Crest Place, San Diego, California 92129**Country of Citizenship:** United States of America**Inventor's signature:** \_\_\_\_\_**Date:** \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of seventh joint inventor****Max***(Given Name)**(Middle Initial or Name)***Rey***Family (or last name)***City/State of Actual Residence:** Wallisellan, Switzerland**Last Known Mailing Address:** Riedenerstrasse 69, CH-8304, Wallisellan, Switzerland**Country of Citizenship:** Switzerland**On behalf of Max Rey, deceased:****Signature:**Mrs. Heidedore Jlsabeth Rey-Papina, Legal Representative/Heir**Date:** \_\_\_\_\_



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of eighth joint inventor**

**Ulrich**

(Given Name)

(Middle Initial or Name)

**Weigl**

Family (or last name)

**City/State of Actual Residence:** Hilzingen, Germany

**Mailing Address:** Staufenstrasse 30, D-78247, Hilzingen, Germany

**Country of Citizenship:** Germany

**Inventor's signature:** \_\_\_\_\_

Date: \_\_\_\_\_